

WABN

1230 AM

92.7 FM

Legend Radio Group, Inc.
P.O. Box 1067 • 769 Radio Drive • Abingdon, Virginia 24212

(540) 628-4422 or (540) 628-2147 • Fax (540) 628-9847

DOCKET FILE C-7540-1628-9847
FEDERAL

25 May 1998

COMM-FED ROOM
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Office of the Secretary
Federal Communications Commission
1919 M Street, N. W.
Washington, D. C. 20554

Dear Secretary:

Please formally file the enclosed comments. We understood too late that electronic filing was not possible for this specific docket number, which meant, of course, we needed more time to prepare hard copies. Our mailing was then further delayed by the Memorial Day holiday.

Thank you very much.

Sincerely,

Rita LaForce Sutherland

Rita LaForce Sutherland

Enclosure: Original and 11 copies

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WABN

1230 AM

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FCC MAIL ROOM
JUN 4 1998
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Before the
Federal Communications Commission
Washington, D. C. 20554

In the Matter of

1998 Biennial Regulatory Review--Review of
the Commissions Broadcast Ownership Rules
and Other Rules Adopted Pursuant to
Section 202 of the Telecommunications Act of 1996

MM Docket No. 98-35

COMMENTS OF

Rita LaForce Sutherland

Craig Sutherland

Larissa Sutherland

Ryland Sutherland

Paul J. Finn

Legend Radio Group, Inc.--WABN FM & WABN AM

P. O. Box 1067

Abingdon, VA 24212

We file these comments on May 22, 1998, in the FCC's Notice of Inquiry MM Docket No. 98-35. Please accept our comments late with the explanation that 1) we depended on filing electronically, only to learn today that such response mechanism will not be in operation for this inquiry until mid-June, and 2) we have been busy preparing for our next appearance in the U. S. Bankruptcy Court June 9, 1998. At that hearing, perhaps the final in a span of four years, the Sutherland Family, PJ Finn, and seven parttime employees may be ordered by the court to vacate the property after an association for some since 1983. We will also be compelled to sign our agreement to transfer the stations' licenses to a wealthy competitor who took advantage of our vulnerability and made a cash offer to the court--half the appraised value of our radio stations--which was accepted by the creditors and ultimately the judge.

The issues in our case are the issues before the Commission in your review of broadcast ownership rules. If the FCC approves the transfer of license from our small independent corporation to our competitor, he will have a 65-70 market share in our Southwest Virginia county of Washington and a 40+ share of the metro market--#93, Johnson City-Kingsport-Bristol. A community will lose its voice of 42 years, to be replaced by a satellite-delivered **Super Talk** format which does not reflect the local standard...*but which does not have to*. The potential new owner has already said he will not have a sales

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presence in the community, meaning, of course, that our station will simply become part of his conglomerate which includes a 100 kw FM station, a 25 kw FM station, and a 5 kw AM station in our market and nine or ten stations in two other states. Most important of all, by his programming choice and his brand of radio, the new owner will silence the strongest, most divergent voice in our market...and, in fact, well beyond.

The new owner will serve, not *the public interest*, but that of himself and his stockholders.

Seeing the most damaging prospects of the 1996 Telecommunications Act come to pass in our own drama, we ask each Commissioner to be true to your promise to preserve competition and diversity in *the public interest*. Regarding **competiton**, some of you say the market will decide.. the competitive forces will regulate themselves. We agree that the forces most responsive to the market will prevail in the long run, but we also know how brutal that game can be and how many players don't have the ante even to begin. Granted, the Telecom Act is actualizing its goal--making radio more competetive with other media--but the wealth is gathering in the hands of a few, with both multiple and minority owners the victims.

As threatening as that concentration is to the democratic principles undergirding our country, nothing strikes fear like the *control of public airways* by a few. In the matter of **diversity**, if the divergent voice isn't heard, who knows it exists? If no media outlet reports that violence against women is being addressed at a *Take Back the Night* rally on the campus of East Tennessee State University, who would ever know to care? If no medium reports when a *Journey of Hope* event takes place, how would people know the choice of ways to think about the death penalty? Leaving the market to decide diversity issues overlooks the real danger that if an antagonistic voice isn't heard, nobody knows it exists.

In your review, please leave room for small radio stations to survive in a competitive atmosphere and to offer a divergent voice. In our rush toward consolidation of not only communications but every institution in the country, we stand to lose the regional and ethnic individuality which makes our country interesting. We concentrate radio ownership largely in the hands of a cadre of wealthy, white men, a demographic increasingly less reflective of our population, and we put the powerful framework of public opinion into the hands of the highest bidder.

Anywhere our comments begin to sound general, we could insert specifics--the name of the ruthless competitor who knows, but doesn't care, that a family is losing its livelihood; our middle-school audience members who will absolutely *not* understand when their favorite radio personalities--Ryland, Larissa, and PJ--are replaced by G. Gordon Liddy and Ollie North; the American Cancer Society coordinators of the *Relay for Life* who last year rewarded WABN with the *Excalibur Award*, but who another year will have no local radio station for their fund- and awareness-raising. The loss of community with the loss of

100 MAIL ROOM

WABN FM/AM

JUN 4 1990

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local radio is very sad. Please be responsible with your mission.

Thank you for considering our comments, sincerely submitted by

Rita LaForce Sutherland
Rita LaForce Sutherland

Craig Sutherland
Craig Sutherland

Ryland Sutherland
Ryland Sutherland

Larissa Sutherland
Larissa Sutherland

Paul J. Finn
Paul J. Finn

cc: Chairman William E. Kennard
Commissioner Susan Ness
Commissioner Harold W. Furtchgott-Roth
Commissioner Michael Powell
Commissioner Gloria Tristani
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